

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JERRY H. CHISNELL

Appeal 2004-1326
Application 09/393,482
Technology Center 3600

Decided: December 13, 2006

Before KIMLIN, GARRIS, and PAK, *Administrative Patent Judges*.

GARRIS, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING

This is in response to a request, filed August 19, 2004, for rehearing of our decision, mailed June 15, 2004, wherein we sustained the Examiner's § 102 rejection of claims 1-5, 11, and 12 as being anticipated by Joseph.

In this Request, the Appellant continues to advance the position expressed in his Brief that, “[a]lthough the term ‘entirely’ is not used [in the claim 1 recitation ‘reinforcing ring positioned [entirely] within . . . said predetermined longitudinal extent defined by said area of peak crimp force’],

there is absolutely no question that the unambiguous meaning of this claim language requires that the reinforcing ring be located entirely within the predetermined longitudinal extent defined by the area of peak crimp force” (Request, 3). In this regard, it is the Appellant’s concomitant position that “there is absolutely no doubt to a person skilled in the art that the liner 28 as disclosed by Joseph . . . does not in any way reside entirely within the predetermined longitudinal extent defined by an area of peak crimp force” (Request, sentence bridging pp. 3-4).

We have fully considered the Appellant’s arguments in support of these positions. However, for the reasons expressed in the first full paragraph on page 4 and in the paragraph bridging pages 4-5 of our Decision, it continues to be our viewpoint that the independent claims on appeal including claim 1 do not require “the reinforcement ring be located entirely within the predetermined longitudinal extent defined by the area of peak crimp force” as urged by Appellant on page 3 of the Request. Moreover, for the reasons expressed on pages 5-7 of our opinion, we continue to believe that the Appellant’s independent claims, even if interpreted more narrowly in the manner argued by Appellants, still would not distinguish from Joseph.

Concerning these matters, we explained on page 6 of the opinion that it was appropriate to require the Appellant to prove that Joseph’s coupling product does not necessarily or inherently possess the feature or characteristic of being positioned entirely within the predetermined longitudinal extent defined by the area of peak crimp force. In response to this explanation, the Appellant states that he “does not believe it is necessary that proof be submitted with respect to . . . these products” (Request 6). The

Appellant's belief is not well taken. *See In re Best*, 562 F.2d 1252, 1255, 195 USPQ 430, 433-34 (CCPA 1977).

For the above stated reasons, the Appellant's request for rehearing is denied with respect to making any changes in our June 15, 2004 decision.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv)(2006).

REHEARING - DENIED

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